

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
KEITH JORDAN,)
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Petitioner,)
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)
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v.)
)
AMY BONCHER,)
)
Respondent.)
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)

**Civil Action No.
22-11435-FDS**

ORDER

SAYLOR, C.J.

On September 6, 2022, Keith Jordan, who is incarcerated at FMC Devens, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

On February 10, 2023, Magistrate Judge Hennessy issued an Order and Report and Recommendation in which he recommended that the petition be dismissed because (1) a habeas petition was not an appropriate vehicle for an action concerning conditions of confinement, and (2) the court is without jurisdiction to modify a sentence after it has been imposed, absent explicit statutory provision or rule. *See* Rules Governing § 2254 Cases 4 (“If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.”); Rules Governing § 2254 Cases 1(b) (“The district court may apply any or all of these rules to a habeas corpus petition [not filed under 28 U.S.C. § 2254].”).

Jordan has not filed an objection to the Report and Recommendation.

Upon careful review and consideration of the Report and Recommendation of the Magistrate Judge, the Court hereby ADOPTS the recommendation in its entirety. *See* 28 U.S.C. § 636(b)(1). Accordingly, the petition is DENIED pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing § 2254 Cases. The clerk is directed to enter a separate order of dismissal.

So Ordered.

Dated: April 21, 2023

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court